

AMENDMENTS TO LB 139

(Amendments to Final Reading copy)

1 1. Insert the following new section:

2 "Sec. 9. (1) With respect to employment and other civil
3 matters, if a person is accused of wrongdoing as a result of a body
4 fluid test, such person, and only that person or his or her
5 representative, may request, through the Nebraska State Patrol, DNA
6 typing tests of his or her body fluid.

7 (2) The Nebraska State Patrol, upon receipt of such
8 request, with relevant information, including the body fluid
9 identity number and the name of the laboratory at which the body
10 fluid was originally analyzed, shall, within ten working days,
11 directly contact such laboratory and direct that untested aliquots
12 of samples of the person's body fluid be delivered to the
13 respective laboratory designated by the patrol for DNA typing
14 tests. The delivery shall meet all chain of custody requirements
15 applicable in a criminal case.

16 (3) The person submitting a request for DNA typing tests
17 shall submit to body fluid collections, as directed by the Nebraska
18 State Patrol, to ascertain the person's DNA. The collection shall
19 be confidential under sections 27-503 and 27-504. After such DNA
20 typing tests, a certified report shall be issued to the person or
21 representative who requested the DNA typing tests. If the DNA
22 report concludes that the initial body fluids were not those of the
23 person, the person shall be cleared of any accusation of wrongdoing

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1 to the extent to which such body fluid test was the basis of such
2 accusation of wrongdoing.

3 (4) All costs of the DNA typing tests shall be incurred
4 by the person. The person shall not be deemed to have waived any
5 of his or her rights as a result of such request.

6 (5) All records relating to the certified report shall be
7 purged after a receipt of a written request from the person who
8 requested such tests, or his or her representative, to the Nebraska
9 State Patrol directing the patrol to do so. If a written request
10 is not received from such person or his or her representative, the
11 records shall be purged within sixty days after the date the report
12 was issued to such person or his or her representative.

13 (6) For purposes of this section, DNA typing tests has
14 the same meaning as in section 29-4103."

15 2. On page 1, line 7, after the semicolon insert "to
16 authorize DNA typing tests requested by persons accused of civil
17 wrongdoing as prescribed;"

18 3. Renumber the remaining sections accordingly.